

*Amending the Comprehensive  
Plan: Peer Review  
July 1996*

# MARICOPA COUNTY



# 2020

Eye to the Future

*Maricopa County, Arizona*

AMENDING THE PLAN

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# TABLE OF CONTENTS

## Summary of Findings

Amending The Comprehensive Plan .....	1
The Statutory Framework .....	3
What Is An Amendment? .....	4
Unique Local Elements Of Comprehensive Plan Amendment Process .....	7

## Comprehensive Plan Amendment Process: Peer Review

City of Albuquerque, New Mexico .....	12
Bernalillo County, New Mexico .....	12
Boulder County, Colorado .....	13
City of Denver, Colorado .....	16
City of Georgetown, Texas .....	17
Martin County, Florida .....	18
Minneapolis - St. Paul, Minnesota .....	21
Nashville/Davidson County, Tennessee .....	25
City of Seattle, Washington .....	26
City of Sedona, Arizona .....	28
City of toronto, ontario .....	29

## Proposed Amendment Options

Proposed Comprehensive Plan Amendment Guidelines .....	31
Major and Minor Amendments .....	32
Amendment Process Options .....	33
Amendment Criteria .....	37

## SUMMARY OF FINDINGS

### Introduction

This report was prepared for the Maricopa County Comprehensive Planning Team and covers unique, successful elements of Comprehensive Plan amendment processes from throughout North America. In anticipation of Maricopa County's first Comprehensive Plan, the County seeks to implement a successful, responsive comprehensive plan amendment process that promotes the goals and policies of Maricopa County citizens while protecting the right of landowners to implement plan changes. No plan is static. In order to be a working document it must be able to adapt to changing circumstances and assumptions. On the other hand, too much change too fast can dilute the plan, altering its stated vision and challenging the shared public assumptions developed during hundreds of hours of public meetings.

The report is divided into three sections. First, we examine the context of comprehensive plan amendments, which has been discussed in the planning community and in the public at large since 1929. Second, we look to Arizona statutes in order to understand the state context for comprehensive plan amendments. We also summarize the unique local elements found during this research that could be integrated into Maricopa County's Comprehensive Plan amendment process. Lastly, ten amendment processes in cities and counties are detailed that represent a cross-section of amendment process methodology. We are assisted in this report by the American Planning Association's *Planners Advisory Service*, whose substantial library of planning documents were of significant help. We also draw heavily from the American Society of Planning Officials' (ASPO) 1958 report entitled *Amending the Zoning Ordinance*.

### Amending The Comprehensive Plan

*"It is obvious that provision must be made for changing the development regulations as conditions change or new conditions arise. Otherwise comprehensive planning and zoning would be a "strait-jacket" and a detriment to a community instead of an asset."*

*Comment from A Standard State Zoning Enabling Act, United States Department of Commerce, revised edition, 1926.*

Experience has demonstrated that even the best comprehensive plans do become out of date. Periodic revision is essential if the plan is to establish and maintain a rational land use pattern.

But most amendments are not revisions proposed by planning agencies after reconsideration of the city's plan. The typical amendment is initiated by a property owner who would like to use his or her land in a way not permitted by the regulations.

Most amendments are not directed at the comprehensive plan because it is typically both a policy and land use document. Only if the amendment is significant, or if it must be accompanied by a policy shift, does it usually involve the comprehensive plan. Most amendments are directed toward sub-area plans or zoning codes, since these are the documents and laws that actually implement the policies of the comprehensive plan. The hierarchy is important: the comprehensive or general plan sets the policies, the sub-area plan implements the policies, and the zoning code enforces the policies with the rule of law.

The comprehensive or general plan is typically the apex document of a planning organization. It is the document of community vision, usually developed and refined over years of public involvement and changing assumptions. As the apex, the document ties together almost all other planning activities and sets the future context of public investment, land use, development, and quality of life. In almost all situations, amending the comprehensive plan is not an easy process, since by definition the amendment changes part of the vision, character, and policies of the plan.

Currently in Maricopa County there is no comprehensive plan that covers the entire County. However, there are sub-area plans that are enforced through zoning ordinances. These sub-area plans have had a history of frequent changes ranging from moderate shifts to paradigm shifts. Maricopa County's new comprehensive plan will change this. It will set the policy and investment tone for development in Maricopa County, and will be implemented through sub-area plans and the zoning code. Unlike amending a sub-area plan, amending the comprehensive plan will be both a land use change *and* a policy shift.

The concern over inefficiency in the amendment process is sometimes coupled with other complaints that are still more serious. Commentators have long been aware that amendments can easily be arbitrary. In 1929, for example, Ernst Freund stated that the "comprehensive plan is one of the valuable features of zoning laws from the point of view of equity; obviously the benefit of comprehensiveness is lost in the amending process."<sup>1</sup> Though individually proposed amendments can, of course, conform to a comprehensive plan, far too many are, in fact, adopted without sufficient awareness or consideration of planning principles. Evaluation of proposed changes is often dominated by politics and personalities.<sup>2</sup>

Changes in procedure clearly cannot solve all these problems. For example, it is unfortunately true that several months may be needed for the planning agency to recommend and the council to decide upon the most intelligent course of action.

Procedural safeguards that increase the likelihood of fair play are also likely to increase the processing time required. It also seems clear that no fair procedure can dry up a flood of requests to amend an unreasonable or obsolete ordinance. **And so far as we have heard, no one has devised any procedure — in zoning or elsewhere — that produces consistently rational governmental decisions.**

## The Statutory Framework

The Standard State Zoning Enabling Act, on which the enabling legislation of the majority of states is generally modeled, places few restrictions on local amendment procedure. The common amendment process constraints are as follows:

*Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against such change, signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending feet therefrom, or of those directly opposite thereto extending feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the legislative body of such municipality. The provisions of public hearings and official notice shall apply equally to all changes or amendments.*

Arizona statutes follow the standard state enabling act closely. The Arizona legislature has preempted the field of zoning legislation, and because comprehensive plans are enforced through zoning, they must follow the process as well.<sup>3</sup> State statutes declare that:

*The board of supervisors of a county, in order to conserve and promote the public health, safety, convenience, and general welfare, and in accordance with the provisions of this chapter, shall plan and provide for the future growth and improvement of its area of jurisdiction.<sup>4</sup>*

Section 11-806 also prescribes that the Board of Supervisors amend with plan with at least public hearing:

*The board shall adopt a comprehensive plan in whole or in part and subsequently amend or extend the adopted plan or portion thereof. Before the adoption, amendment or extension of the plan or portion thereof, the board shall hold at least one public hearing thereon. The adoption of the plan, or any part thereof, shall be by resolution carried by not less than a majority vote of the full membership of the board.<sup>5</sup>*

This is substantially looser than the requirements for cities and towns, which have a much more detailed definition of the amendment process. The process for cities and towns also follows the model ordinance, but with more detail and public involvement.

Currently, Maricopa County utilizes a process similar to cities and towns for comprehensive plan amendments. Additionally, on July 23, 1990, the zoning ordinance was changed by the Board requiring compliance with the County comprehensive and area plans prior to the approval of any development master plan or rezoning larger than 40 acres. Figure 1 summarizes the existing Maricopa County comprehensive plan amendment guidelines, in place since 1990.

## What Is An Amendment?

An amendment may be defined as a zoning change made by the legislative body while acting in its legislative capacity. The effect of zoning on any particular piece of property may be altered by administrative bodies, too. Boards of appeals are usually given the power to grant variances. Planning commissions, boards of appeal, and occasionally even zoning administrators may be authorized to issue special use permits. But only the legislative body may make amendments.

Acknowledging that nonlegislative bodies are competent to make some zoning decisions does not imply that they should make the amendment decisions now handled by the legislative body. In fact, it usually seems that the distinction between amendments and all the miscellaneous variances, exceptions and special permits is one of the sharper distinctions we have in zoning.

Even one who concludes that map and text changes are naturally legislative might be willing to concede that the typical amendment reclassifying land is unlike many other kinds of legislation. Most legislation (though not all) establishes general rules that apply uniformly to unnamed individuals. Even most legitimate plan amendments, on the other hand, reclassify a specified block of land belonging usually to one or a few owners.

Thus, beginning in 1958 there was a sustained drive to include both the administrative and legislative side of government in deciding amendments. Model amendment ordinances distributed by the APA and other organizations recommended that amendment processes include both a citizen appointed Planning and Zoning Commission and the Council or Board. Both were included in the comprehensive plan amendment process.



Today, almost all states have adopted these model ordinances in some form and have balanced the amendment process between the administrative and legislative arms of government.

Whatever technique is used, processing amendments takes time. In 1958, ASPO sent out a questionnaire asking for comments on individual localities and their amendment process:

*"The jurisdiction facing an unusual number of requests for amendments should try to find out why. If the ordinance is sufficiently flexible and up to date, the best course seems to be to hire more staff."*

*"I still feel, rightly or wrongly, that strict attention to some of the mundane and hackneyed proverbs of sound zoning, and sticking by your zoning plan once it is adopted, is the best answer to amendments. Nothing succeeds like success, and once a community starts being lax about zoning amendments it simply encourages more zoning amendments."*

Another agency provides a case in point:

*"There is nothing to compare with firm administration. This commission has been reversed twice in five years by the council. The planning office has not been reversed by the commission in five years (despite some fireworks). This record will turn aside more questionable amendment attempts than any set of rules."*

And finally:

*"Although processing applications for amendments is time consuming and burdensome, it is a necessary burden incident to democratic government."*

SUMMARY OF FINDINGS

## Unique Local Elements Of Comprehensive Plan Amendment Process

With assistance from the APA, we have selected the comprehensive plan amendment processes from ten peer cities and counties. Table 1 summarizes the key elements of each amendment process of the following cities and counties:

1. Albuquerque, New Mexico
2. Boulder County, Colorado
3. Denver, Colorado
4. Georgetown, Texas
5. Martin County, Florida
6. Minneapolis - St. Paul, Minnesota
7. Nashville, Tennessee
8. Seattle, Washington
9. Sedona, Arizona
10. Toronto, Ontario

The peer review resulted in twenty potential process improvements that Maricopa County could consider when drafting its comprehensive plan amendment process:

1. General plans could be “batched” together annually and reviewed in one large submission. Batching the amendments into one submission allows decision-makers to see the magnitude of change in one setting, instead of little by little over the year.
2. For every amendment not sponsored by a City Council person or the Planning and Zoning Commission, a petition could be required with the amendment with a minimum of 50 signatures supporting it. Or, for a broader public discussion and involvement, a petition could be required that related the size of the amendment to the County population. For instance, if the amendment covers 1% of the County’s land area, then 1% of the County registered voters would have to sign the petition in order for the amendment to be considered.
3. At the beginning of each political term, the Board of Supervisors could update the plan as part of its initial duties. The plan update at the beginning of each term gives each Supervisor the opportunity to impact the urban and rural form of the County.

Where it is law, this update process has been described as “sending a development signal” that would outline planning goals and objectives of the Supervisors. At this time all goals, objectives, and functional plans must be either reapproved in their original form or approved as amended.

4. Amendments could be required to focus on the intensity of land uses and the subsequent capacity of the existing County public service system. Leaders must then either decide to increase the County system's capacity, dedicate some excess system capacity to the development, or deny the amendment. This process ensures that leaders understand the capacity of the existing public service system and the public costs of development.

[illegible]

5. The burden of proof could be shifted to the party requesting the amendment to prove that the change constitutes not only a modification but an improvement to the plan. This eliminates the assumption that planning staff need to prove that the amendment is not in the public interest before it is denied.
6. The amendment process could evolve into a joint city/county process where the legislative bodies of both jurisdictions review the amendment. The amendment is subject to a minimum of two rounds of public hearings both within the city and the county, giving the opposition four opportunities to be heard. All local jurisdictions are included in the plan amendment process and their comments incorporated into the final report from staff.
7. The County could take it upon itself to review city general plan amendments that it feels are critically important to the County comprehensive plan, its transportation plan, or its provision of public services.
8. When writing the amendment process, the County could purposely avoid vague language in favor of standards that are equitable, manageable, and measurable. Instead of the amendment "being in the public interest," the amendment standard could be "major arterials will not fall below Level of Service C." Or the cost of development to the County could be measured in terms of capacity and real dollar costs.
9. The availability of public services in the area covered by the amendment could be codified as a key consideration for the amendment's approval or disapproval. The public service provision and transportation elements could be strongly tied to the amendment approval process. These amendment elements must be in conformance with the comprehensive plan in order for the plan to be approved.
10. The timeline for approving or disapproving an amendment could be shortened and lengthened depending on the size of the amendment. The County could only administratively review minor amendments while concentrating their efforts mainly on major ones. In similar fashion, the acreage minimum for an amendment could be risen along with the its justification requirements.
11. A quasi-judicial review by the Planning and Zoning Commission could be established where the clear burden of proof rests on the amendment sponsors. If more than 20% of the adjacent or impacted landowners protest, the

amendment is referred to the quasi-judicial body.

12. Legislation could be pursued to give the Planning and Zoning Commission greater weight in the amendment process. Without the commission's approval of the amendment, legislation could provide that the Board of Supervisors could only approve the amendment on a unanimous vote.
13. When considering an amendment, planning staff could establish up to three levels of public involvement ranging from none to heavy. The level of public involvement would depend on the size and scope of the amendment and could even include a public vote.
14. The County could mandate that developers make either a comprehensive plan amendment submittal or a rezoning request, but not both, when their proposed development does not conform to the comprehensive plan. Their choice could be constrained by only allowing one change request in any one year. In most cases, developers will request rezonings first. If they are denied, then their only recourse is through the amendment process a year later.
15. The County could determine that identical development rezoning and general plan amendment requests need to be processed separately, not concurrently. In this way general plan amendments are not passed summarily in order to hear the rezoning request. More weight would be given to general plan amendments. After the merits of the amendment are decided upon and passed, the process would then revert to a rezoning application.
16. The County could significantly raise the administrative standards for comprehensive plan amendments, requiring that amendment sponsors identify the existing public service capacity and the availability of public services in the area. If public services are already at capacity or non-existent, the costs of the plan amendment to the public sector should be either mitigated or the amendment denied. If the sponsor is unable or unwilling to absorb the costs of the impacts, in order for approval, the Board of Supervisors would have to come up with the difference to fund the development.
17. Require that amendments be revenue-neutral, that is, that they do not absorb more resources than they provide to the community. The requirement of revenue-neutral amendments could facilitate a much broader discussion in the early phases of the amendment process between planners, elected officials,

and the sponsors.

18. In a batching system of amendments, the Board of Supervisors could have the opportunity to make the “first cut” distinguishing amendments with potential from those that do not. The Board then saves the applicant the time, effort, and expense of submitting an amendment that does not have potential. All amendments with potential then can go through a significant analytical process.
19. If an annual amendment process is adopted, all successful plan amendments could be adopted with the County budget, in recognition of the plan amendment fiscal impacts on the budget. In this manner the costs of the plan amendment would be highlighted and underlined.
20. The Maricopa County Planning Department could be given the opportunity to delay the amendment process one year if it determines that a major amendment needs additional analysis or environmental review.
21. Maricopa county could be given authority by state statute or home-rule ordinance to significantly speed up the amendment process for those amendments that conform to the general plan.

## COMPREHENSIVE PLAN AMENDMENT PROCESS: PEER REVIEW

City of Albuquerque, New Mexico

Bernalillo County, New Mexico

**Plan Title:** ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN

**Date Adopted:** 1988

**Public Involvement Process:** YES

**Successful?:** MODERATE

The city of Albuquerque and Bernalillo County planning agencies have been essentially combined into one operating unit. This lends itself to an inordinate amount of cross-communication and decision-making between the two jurisdictions. As a result, amendments go through the same process if they are located in the city limits or in the County. Amendments not sponsored by the city or county may be considered at any time. Amendments that are sponsored by the city or county are dealt with in a biennial update process. Another unique feature about this amendment process is that when the plan is updated, a biennial update steering committee is appointed to guide the process. The steering committee is made up of city and county officials, staff, elected officials, and citizens in the community.

The amendment process gives almost all individuals standing for proposing an amendment. Agencies, boards, commissions, elected officials, public service organizations, and citizens may propose amendments to the plan. All amendments are based on and submitted with an analysis which substantiates the change. The procedures for amending the plan are:

- Scheduling a pre-application discussion with the City Planning Department of members of the biennial update steering committee.
- The application is submitted with a fee and all supporting material and analysis justifying the amendment.
- Within eight weeks, the proposed plan amendment goes through public hearings under the Environmental Planning Commission (EPC) and the County Planning Commission (CPC).



- The proposed amendment is submitted to both city and county agencies and special districts for review. An interagency review meeting is held during the beginning of the review period. Agency comments are included into the staffs' report and analysis. All recommendations are forwarded to the City Council and the Bernallillo County Commission.
- Within ten weeks, both the City Council and the Bernallillo County Commission must hold public meetings in order to approve or disapprove the plan amendment. Both legislative bodies must agree to the amendment in order for it to become adopted.

### Unique/Local Factors

- The amendment process is a joint city/county process where the legislative bodies of both jurisdictions must approve the amendment. If they do not agree, the amendment fails.
- The amendment is subject to a minimum of two rounds of public hearings both within the city and the county, giving the opposition four opportunities to be heard. This is double the hearings needed in most other amendment processes.
- The Environmental Planning Commission or the County Planning Commission may request a time extension if necessary for additional interagency review.
- All local jurisdictions are included in the plan amendment process and their comments incorporated into the final report from staff.

## Boulder County, Colorado

**Plan Title:** BOULDER COUNTY COMPREHENSIVE PLAN

**Date Adopted:** 1989

**Public Involvement Process:** YES

**Successful?:** YES

The Boulder County Comprehensive Plan sets up three general types of plan amendments. The first type is an overall update conducted every three to five years. The second type of amendments are those initiated by the private sector and are reviewed annually. The third type of amendment to the plan are those initiated by municipal legislative bodies that are concerned with the future expansion of their adopted Community Service Area boundaries or other changes that are subject to County review as agreed by the municipality and the County. Table 2 is a flowchart summarizing the plan amendment process.

The comprehensive plan update and subsequent amendments is a thorough reanalysis of the entire plan, including a reevaluation of goals, updates of land-related elements, forecasts, and the reaffirmation of the goals and objectives. However, the planning commission may begin an update and amendment process focused on specific pieces of the plan if the need arises.

The second type of amendments are those that are sponsored by the private sector. In order to submit an amendment, sponsors of the amendment must believe that while their land uses conflict with plan maps, their amendment is complimentary to the goals and policies of the plan itself. In applying for an amendment, individuals must conform to the following criteria:

- Amendments are reviewed annually during September of each year.
- The amendment must be consistent with the goals and policies of the comprehensive plan.
- The amendment must be consistent with the existing and planned surrounding land uses.
- The amendment must not result in detrimental impacts to the existing or planned transportation system.
- The amendment must not place additional burdens on existing or planned public service capabilities.

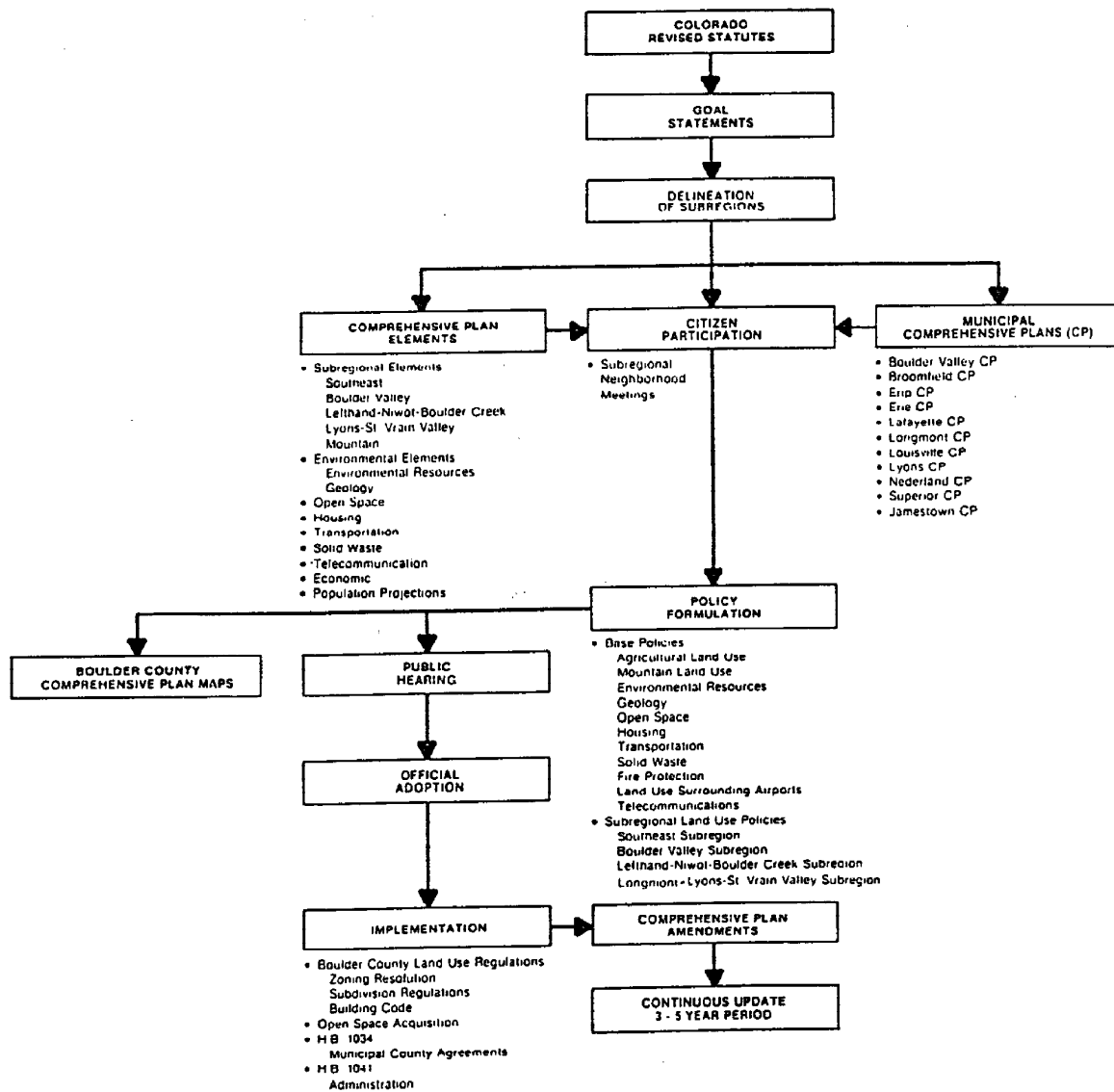
The third type of amendment process intrinsic to the Boulder County comprehensive plan is the clear County policy to review municipal general plan amendments when those amendments result in the expansion of land uses, public services, and transportation facilities into County lands. According to the plan, "Boulder County has an interest in municipal plan amendments" and "Boulder County should review the municipalities proposed amendments, and communicate its recommendation to the municipal planning commissions and City Councils." Boulder County's review is limited to the following elements:

- Does the amendment conform to the adopted municipal plan?
- Does the amendment conform the goals and policies of the Boulder comprehensive plan, including the Transportation plan?
- Does the amendment recognize the limitations of existing and planned capabilities of public services in the area?

#### **Unique/Local Factors**

- The County has taken it upon itself to review municipal amendments that it feels are critically important to the County comprehensive plan, its transportation plan, or its provision of public services.

TABLE 2  
BOULDER COUNTY COMPREHENSIVE PLANNING PROCESS



- The public service provision and transportation elements are strongly tied to the amendment approval process. These amendment elements must be in conformance with the comprehensive plan in order for the plan to be approved.

## City of Denver, Colorado

**Plan Title:** CITY OF DENVER COMPREHENSIVE PLAN

**1995 Amendments:** 2

**Date Adopted:** 1990

**Public Involvement Process:** YES

**Successful?:** YES

Denver's comprehensive plan is somewhat unique in that the plan identifies and programs capital improvements needed to implement the plan. For example, the plan states that

*"The recommendations of the plan are ambitious and many cannot be implemented without a plan for financing. The Action Agenda selects those recommendations which can be implemented in a short-term time frame or which need immediate action and, where necessary, provides detail on how those actions are funded."*

The Denver amendment process strongly ties the comprehensive plan to the city budget and the city capital improvement program. The interlocking of these documents forces plan amendments to alter not only the comprehensive plan, but the city budget and the city capital improvement program. The momentum needed to change the comprehensive plan, along with all the other planning processes, is much greater than in other municipalities. Plan amendments are routinely weighed against the financial plan of the city.

The Denver Planning Board also has a significant role in implementing and monitoring the plan. The Board is responsible for monitoring the plan and updating it every 24 months or as needed through the Action Agenda.

### Unique/Local Factors

- The comprehensive plan is interlocked with the Denver capital improvement program and the city budget. The amendment must also be considered in these contexts in addition to the general plan.

## City of Georgetown, Texas

**Plan Title:** GEORGETOWN CENTURY PLAN

**Date Adopted:** 1988

**1995 Amendments:** 6

**Public Involvement Process:** YES

**Successful?:** EXTREMELY

The City of Georgetown has a unique general plan amendment process because of their unique general plan. Instead of the traditional development regulations like zoning and land use, the Georgetown Century Plan regulates development through the intensity of uses and the carrying capacity of the land. Each parcel of land is assigned to one of 6 levels of municipal service capacity. Level 1 is typically open space land, which uses the lowest amount of capacity on the municipal system. Level 6, or industrial land, uses the highest amount of municipal service capacity.

When plan amendments are requested, they usually are asking for additional capacity on the municipal system. For instance, a request to amend the plan and change 20 acres from Level 1 to Level 4 means that the intensity of land use rises threefold, and its subsequent utilization of city services (from everything to garbage collection to transportation to utilities) increases threefold as well. The amendment has one overriding requirement to meet: since it requests to use excess capacity in the municipal system, there must be an excess of capacity in the system. The amendment process forces the City Council to consider the current capacity of the municipal system and to weigh whether the amendment deserves whatever excess capacity there might be. Thus, the amendment process takes into account the existing ability of government to provide services to the development. By confronting municipal leaders with the ramifications of development decisions, the policy provides political leaders an opportunity to either dedicate the excess municipal service capacity to a particular development order that increases the capacity of the system, amendment sponsor or deny the amendment.

The amendment process follows the APA standard using the Planning and Zoning Commission as the administrative arm of the process and the city council as the legislative arm. There are two main amendment processes. The first is application-sponsored, which may be considered at any time. The second amendment process is annual and is the main vehicle for changes in the Century Plan. Any changes or deletions to the goals, objectives, or specific details of the plan must go through the amendment process.

The Planning and Zoning Commission is the first to consider the amendment during a public involvement process. During this time the commission is responsible for:

- Advising and assisting the Council in adopting amendments.
- File written comments on amendments.
- Report to the Council any perceived problems in implementing the Plan.
- Advise the Council of the need to revise/amend the Plan.

After the plan is sent to the Council with a recommendation for approval or disapproval, the Council must act within 30 days. For approval the amendment must have a majority plus one vote on the Council to pass.

#### Unique/Local Features

- For every amendment not sponsored by a City Council person or the Planning and Zoning Commission, a petition must be submitted with the amendment with a minimum of 50 signatures supporting it.
- The amendment may not be adopted as an emergency measure.
- The Council must update the plan annually. At this time all goals, objectives, and functional plans must be either reapproved in their original form or approved as amended.
- Amendments are judged on the intensity of land uses and the subsequent capacity of the existing municipal system. Leaders must either decide to increase the system's capacity, dedicate some excess capacity to the development, or deny the amendment.

## Martin County, Florida

**Plan Title:** COMPREHENSIVE GROWTH MANAGEMENT PLAN

**Date Adopted:** 1995

**1995 Amendments:** 5-10

**Public Involvement Process:** YES

**Successful?:** YES

In 1995 Martin County completely revised its comprehensive growth management plan, but unlike other similar counties in other states, the State of Florida vetoed the plan revision. After negotiation, the two sides reached a stipulated settlement agreement, allowing the revised plan to be adopted. Since the state is involved in local planning, the amendment process for Martin County is uniquely different.

The main local feature of the comprehensive plan is that zoning changes are separated from land use changes in the amendment process. The County zoning code has 16 land use categories and 18 zoning districts. The plan map is set up to favor the land use amendment process rather than rezones. For instance, in Palm Beach part of the waterfront is in the waterfront development district. The district itself only contains two zones: resort commercial and resort hotel. The only rezoning allowed would be from resort commercial to resort hotel and vice-versa. To change to residential housing or condominiums would require a land use amendment, not a rezoning. Since the land use amendment requirements are so much higher than rezonings, this discourages the majority of land use changes. The burden of proof is directly on the applicant.

The plan amendment procedure for Florida counties must follow a minimum process as articulated in Florida statutes 163.3177 to 163.3191 and the Regional Policy Plan, Rule 9J-5. The statutes gives any person or organization (including the Federal, state, local, or municipal government) the right to request a plan amendment. Proof of ownership is required if a landowner initiates an amendment. An amendment not from a specific property owner must state its interest in the subject property and its intentions for the amendment.

Amendments sponsored by landowners can only be submitted annually every September, and must be submitted to the Growth Management Department. If an application is unclear or incomplete, the department may request additional information be supplied by October 15. If the information is not compiled and given to the department at that time, the amendment is summarily rejected. Any governmental organization may adopt a resolution seeking to begin a special amendment process at any time. Amendments sponsored by governments must be backed up by an Evaluation and Appraisal report, which details the need and justification for the plan amendment. Amendments sponsored by private landowners must file all economic reports, studies, real estate appraisals, or other reports written by consultants at least 14 days before the first public hearing.

In evaluating each land use amendment, staff begin with the assumption that the 1982 Land Use Plan is generally an accurate representation of the Board of County Commissioners and thus the community's intent for the future of Martin County. If one of the five following items is applicable to the amendment, staff may recommend its approval:

- That past changes in land use designations in the general plan make the proposed amendment logical and consistent with the current land uses.
- That there is an adequate availability of public services in the area.

- That the growth in the area, in terms of development of vacant land, the redevelopment of land, and the availability of public services, has altered the character of the area such that the proposed request is now reasonable and consistent with area land uses.
- That the proposed land use change would correct what would otherwise appear to be inappropriately assigned land use designation.
- That the proposed change would meet a necessary public service need that enhances the health, safety and welfare of County residents.

The amendment process can be summarized in the following steps:

- All amendments are collected by October 15.
- By December 15, the Growth Management Department Director prepares and transmits a listing of all amendments to the public, local planning agencies, and the County Commission.
- On or before April 30th, the Board of County Commissioners will hold one or more public hearings on the amendments. By a majority vote, all amendments tentatively approved or disapproved.
- The amendments that were tentatively approved are transmitted to the Florida Department of Community Affairs (a state agency) for review.
- Within sixty days after the date that comments are received by the Florida Department of Community Affairs, the Board of County Commissioners take final action. Amendments are approved by a simple majority vote.

The state plays a critical role in the amendment process. If the state finds that the plan or plan amendment is in compliance with the state's growth management act or local planning regulations, the state issues a notice of intent by the state declaring compliance. If the plan or plan amendment is not in compliance the State Land Planning Agency takes the following actions:

- Issues a notice of intent declaring non-compliance.
- The Florida Division of Administration Hearing Officer transmits a recommendation to the Administration Commission for final approval or disapproval, which could overrule the local agency.
- During the hearing, the Administration Commission considers all reports, appraisals, or technical information submitted before the amendment's first hearing, not subsequent information.



## Unique/Local Factors

- State government has a unique and important role in deciding whether amendments will be adopted. Backed up by state statutes, Florida state government can review and nullify an amendment if it is not consistent with state goals and objectives.
- The amendment process is formally structured with target dates throughout the year. At any point, amendments are working their way through the system.
- The availability of public services in the area covered by the amendment is a key consideration for the amendment's approval or disapproval.

## Minneapolis - St. Paul, Minnesota

**Plan Title:** N/A

**Date Adopted:** 1990

**1995 Amendments:** 7

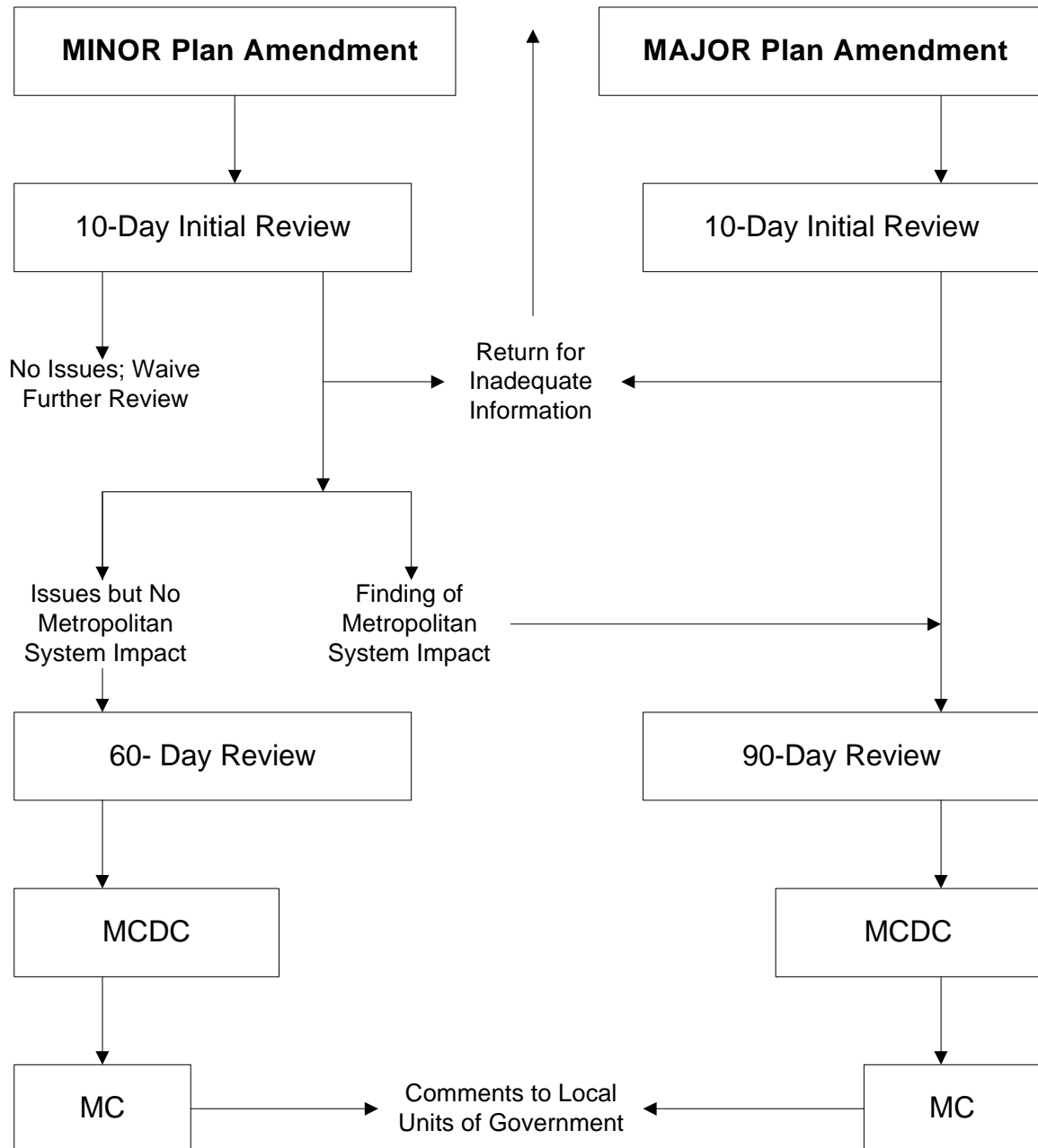
**Public Involvement Process:** YES

**Successful?:** YES

The Metropolitan Council of the Twin Cities is a regional organization that does not have a general plan of its own. However, it does review local general plan amendments and has set up a structured local plan amendment process that is very detail specific. While a regional planning organization that reviews all local plan amendments is not applicable to Arizona, the process by which the review takes place is unique and specific. We will examine their amendment process on its own merits and not the organizational context. The main purpose of the review process is to determine whether the plan amendment constitutes a significant impact on the existing metropolitan system. Table 3 is a flowchart summarizing the local plan amendment review process.

All amendments are reviewed simultaneously by the Metropolitan Waste Control Commission, the Regional Transit Board, and the Minnesota Department of Transportation. The amendment must include specific and detailed analysis of impacts to the metro sewer system, the transit system, and highway system. If the metropolitan council finds that the amendment has an adverse impact on the metropolitan systems of highways, transit, sewers, airports, or open space, they have a choice of action. In order for the amendment to be approved, the Council may order that the adverse impact be mitigated, the scale of development reduced, the development staged, or the amendment not approved.

TABLE 3  
**METROPOLITAN COUNCIL PLAN REVIEW PROCESS**



All amendments are broken down into two distinct categories. Major amendments are subject to a maximum 90 day review. If action is taken within 90 days, the inaction is assumed to be supportive of the plan amendment and the amendment is approved. Major amendments are those that involve more than 40 acres of land and meet the following definitions:

- The amendment constitutes a complete revision, update, or rewrite of an existing comprehensive plan or one of its chapter or elements
- The amendment triggered by a proposed development requires an Environmental Assessment Worksheet (EAW) or and Environmental Impact Statement (EIS)

Minor amendments are those that involve less than 40 acres of land. In general, minor plan amendments are the more routine, incremental changes for which a great deal of information is not required, nor do they signal a major departure from existing plan policies. Minor amendments are subject to a maximum 60 day review. If not action is taken within 60 days, the inaction is assumed to be supportive of the plan amendment and the amendment is approved. Minor amendments meet the following definitions:

- Changes to the future land use plan where the affected area is small or will result in minor changes to metropolitan public service demands.
- Changes to plan goals and policies that do not change the overall thrust of the comprehensive plan.

The plan amendment process for the Metropolitan Council is unique for two reasons. First, the process requires that the Council reach one of two conclusions: either the proposed amendment has a significant impact on the metropolitan system or it does not. Second, the Council sets up an extremely high administrative burden on plan amendment sponsors. The procedure for amendment a general plan is as follows:

- The Council requires that amendment sponsors submit a completed amendment for an informal review. This advisory review essentially is the first step in getting an amendment approved.
- All amendments must not only submitted to the metropolitan council, but to all adjacent jurisdictions that might be impacted by the proposed plan amendment. These advisory comments are an important piece in the approval process.
- After a completed amendment is submitted, the 90 day review period starts.

Because of their scope, "major amendments are presumed to have a potential impact on one or more of the metropolitan systems."

It is up to the amendment sponsor to prove that the amendment will either not have an impact or offer up mitigating measures to eliminate the impact. During the review period, the Council is responsible for determining whether the amendment will cause a potential metropolitan system impact, which at the minimum includes the following:

1. Whether the proposed amendment may result in a substantial change in the timing, staging, capacity, or service area of a local approved sewer policy plan or the comprehensive sewer plan.
2. Whether the proposed amendment may result in a wastewater flow that substantially exceeds the existing flow projection as indicated in the water resources management plan.
3. Whether the proposed amendment may require a new national pollution discharge elimination system permit or state disposal system permit, or a premature expansion of existing metropolitan wastewater services, or an upgrading of treatment levels at the wastewater treatment plant, or expansion of treatment capacity.
4. Whether the proposed amendment may have a substantial impact on the use of regional recreation and open space facilities or natural resources within the regional open space plan. Impacts on the use of recreation or open space facilities include traffic, safety, noise, visual obstructions, impaired use of the facilities, or interference in their operation. Impacts on natural resources include the impact on the level, flow, or quality of a facility's water resources (lakes, streams, wetlands, groundwater) and on wildlife.
5. Whether the proposed amendment may preclude or substantially limit the future acquisition of land in an area identified in the capital improvement program.
6. Whether the proposed amendment may substantially affect either the function or land use within the airport use zone.
7. Whether the proposed amendment is inconsistent with the "Guidelines for Land Use Compatibility with Aircraft Noise" contained in the Aviation Development Guide.
8. Whether the proposed amendment may result in a substantial change to existing or proposed metro highways, interchanges, or intersections, or to local roadways with interchanges on the highway system. Substantial changes to the mainline, interchanges, and intersections include an increase in volumes that will decrease the existing level of service, or a difference in timing, design, or location other than that planned in the transportation capital improvement program. Changes to local roadways include changes in timing, staging, volume, capacity, design, location or functional classification.

9. Whether the proposed amendment may result in a substantial change in transit service or facilities inconsistent with the Transportation Policy Guide.
10. Whether the proposed amendment may have a substantial impact on the use of solid waste facilities identified in the solid waste management plan.

Upon the finding of significant impact on the metropolitan systems, the Council automatically has the authority to attach reasonable conditions to the amendment to mitigate the impact or disapprove the amendment.

#### **Unique/Local Factors**

- The administrative requirements for submitting a plan amendment, and the multiple organization review process, make the amendment process expensive and restrictive. The level of administrative scrutiny is very high.
- The timeline for approving or disapproving an amendment is also short. Depending on the amendment type, either a 60 or 90 day maximum review period is codified by statute.

## **Nashville/Davidson County, Tennessee**

**Plan Title:** CONCEPT 2010

**Date Adopted:** 1990

**1995 Amendments:** None

**Public Involvement Process:** YES

**Successful?:** RELATIVELY

The Nashville metropolitan planning commission is empowered to amend, add to or carry any part of the subject matter of the general plan overview or its components to greater detail. Amendments or additions to any part of the general plan are considered on a quarterly basis. According to the plan, "more frequent changes are not expected, due to the broad nature of the general plan contents." In 1995, no amendments were made to the Concept 2010 plan.

The Concept 2010 general plan document is the culmination of the planning process. It is a summary document of the plans and policies in place. It also ties the capital improvement programming process to the general plan. The general plan has a land use component made up of 14 sub-area plans. When amendments have occurred in the past, they have mostly attempted to amend the sub-area plans, not the general plan.

Amendments are considered according to two loosely defined standards: the level of growth in the adjacent plan areas and the current development pattern. The first level of review occurs on the staff level, who decide between three levels of public involvement. The amendment then goes before the Planning and Zoning Commission, who rule on the amendment. If the commission denies the amendment, it cannot proceed further. If they approve it, the amendment goes to the metropolitan council for approval. As a grading standard, the metropolitan council must consider the cumulative effects of any general plan alternation on he practices and policies of the plan.

#### **Unique/Local Factors**

- If the Planning and Zoning Commission denies the amendment, the 40 member metropolitan council cannot override their decision. This gives the commission, made up of appointed citizens, unusual leverage over the amendment process.
- When considering an amendment, planning staff have three levels of public involvement ranging from none to heavy. The level of public involvement is dependent on the size and scope of the amendment.
- Developers must decide on whether to submit a plan amendment or a rezoning request, but not both, when their proposed development does not conform to the comprehensive plan. Their choice is constrained because only one change may be requested in any one year. In most cases, developers request rezonings first. If they are denied, then their only recourse is through the amendment process a year later.

## **City of Seattle, Washington**

**Plan Title:** SEATTLE'S COMPREHENSIVE PLAN FOR MANAGING GROWTH

**Date Adopted:** 1994

**1995 Amendments:** 2

**Public Involvement Process:** YES

**Successful?:** YES - SO FAR

The comprehensive plan goes through an annual amendment process, which is guided by the three core values of the city of Seattle: environmental stewardship, economic opportunity and security and social equity. A biennial report is produced every two years that describes the plan's progress. Often times, recommendations for improving the plan's success, based on these reports, have led to city-sponsored plan amendments.

The specific scope of amendments are determined from neighborhood plans, other strategic plans, departmental functional plans, the city budget, regional plans, and other sources within and external to city government. All amendments to the plan must be consistent with the states' Growth Management Act (GMA) requirements, regional and County plans, plans of adjacent and influenced jurisdictions, and with the plan itself. When considering plan amendments, the following minimum criteria are examined:

- Economic factors
- Financing of capital facilities
- Travel behavior indicators
- Household formation indicators
- Urban Center and Manufacturing Centers
- Urban Villages
- Regional growth management

Like Denver, all amendments to the Seattle comprehensive plan must be adopted with the city budget. All plan amendment impacts on the city budget must be mitigated or forgiven by the City Council. The burden of proof for supporting the amendment through the process is on the applicant. At any point, major proposed plan amendments may be deferred for a year for additional analysis and environmental review, should the Office of Management and Planning determine the need.

The Seattle amendment process batches all amendments together for the one year review process. The process is broken into two distinct phases: the initial review process and then the detailed review process. The City Council decides which amendments pass through the initial review process and into the detailed analysis phase. This initial screening process gives the City Council the opportunity to deny amendments without first requiring the applicant to go through the time, effort, and expense of submitting a very detailed amendment. Together, the two processes conform to the following schedule:

- By March of every year, the first phase of amendment review begins. Plan amendments must be submitted to the Office of Management and Planning (OMP).
- By April, the OMP reviews the amendments and completes its review of the amendments and then submits them to the Planning Commission. After a review by the Planning Commission, all plan amendments are referred to the City Council.

- By May, the Council reviews the plan amendments and votes on which amendments should move to Phase Two detailed analysis and which should be dropped. The second and more detailed phase of the plan amendment process begins. The Mayor assigns all successful plan amendments to city departments for the detailed phase of amendment analysis.
- By July, all departments report on their analysis of the plan amendments.
- By September, the City Council must pass the plan amendment after a significant public review process.

#### Unique/Local Factors

- The City Council has the opportunity to make the “first cut” distinguishing amendments with potential from those that do not. The Council saves the applicant the time, effort, and expense of submitting an amendment that does not have potential. All amendments with potential then can go through a significant analytical process.
- All successful plan amendments must be adopted with the city budget, in recognition of the plan amendment fiscal impacts on the budget.
- The OMP has the opportunity to delay the amendment process one year if it determines that the amendment needs additional analysis or environmental review.

### City of Sedona, Arizona

**Plan Title:** SEDONA COMMUNITY PLAN

**Date Adopted:** 1990

**Public Involvement Process:** YES

**Successful?:** YES

The Sedona Community Plan, including the land use plan, constitutes a land use policy statement that over a period of time “must be periodically review and amended if it is to remain effective.” Amendments to the plan require the same codified procedures as the plan adoption process itself, including public hearings, notice requirements, and protest mechanisms.

Amendments are restricted to once every year during the same month on an annual basis. Amendments requested by private individuals or agencies are the only amendments that can be reviewed annually. The City Council may, by a 2/3 affirmative vote, direct the initiation of a plan amendment process at any time if a “hardship” for the city exists.



Plan amendments plan only occur after a review process and a “finding of facts” in support of the revision by the Planning and Zoning Commission and the City Council. At the minimum, if the amendment is to be approved, the “finding of facts” should include:

- That the amendment constitutes an overall improvement to the community plan and is not solely for the good or benefit of a particular landowners at a particular point in time.
- That the amendment will result in acceptable means of mitigating impacts through subsequent zoning action of the development process so as to not adversely impact the community as a whole or a portion of the community.
- That the amendment is consistent with the vision, goals, and objectives of the plan.

#### Unique/Local Features

- In all cases it is the burden of the party requesting the amendment to prove that the change constitutes an improvement to the plan. It is not the burden of the city to determine that an amendment should be denied.

## City of Toronto, Ontario

**Plan Title:** TORONTO GENERAL PLAN

**Date Adopted:** 1990

**1995 Amendments:** 20

**Public Involvement Process:** YES

**Successful?:** YES

The city of Toronto follows the standard APA procedure adopted in many cities in North America. The majority of planning amendments are city-sponsored, and since Toronto has a substantial built environment, the actual number of amendments received by developers is relatively small. Further, the general plan states that any deviation from the land use and density requirements must go through the amendment process. Unlike many other cities, rezonings are not common.

The typical amendment process can take anywhere from 1 to 2 years. The sheer magnitude of studies, reports, and other documentation is sometimes overwhelming even to staff. Each amendment is required to first go to staff for a comprehensive review, covering everything from transportation to housing to the environment. The amendment is then returned to the sponsor with a preliminary report citing staff concerns. When the amendment is officially submitted, it must pass through the planning advisory committee and then to the city council.

The most interesting part about the Toronto rezoning process is that protest features offered to common citizens. In Toronto, when 20% or more of the adjacent or affected landowners protest, the amendment is taken out of the political process and placed into the court system. In the quasi-judicial hearing, a three member "Planner's Court" hears both sides of the issue: the amendment sponsors must prove that the amendment is in the public interest, while the defense must argue against it. The ruling of the "Planner's Court" is final, and can overrule the city council. In Toronto, the court is viewed as a neutral party able to make a technical planning and development decision independent of the political process. It gives citizens a unique opportunity to impact the development process.

It is the policy of the Toronto City Council:

- To consider the need to review the plan at regular intervals, and at least every five years to ensure that the objectives and policies set out in the plan remain realistic relative to changing social, economic, legislative and environmental circumstances, and to propose appropriate amendments to the plan.
- That at the beginning of each new term of Council, a report shall be prepared on economic, social and environmental trends within metropolitan Toronto, and on the progress made in achieving the objectives of the plan.

#### **Unique/Local Factors**

- At the beginning of each political term, the City Council must update the plan as part of its initial duties. The plan update at the beginning of each term gives each Council the opportunity to impact the urban form of the city. This up date process has been described as "sending a development signal" from each Council.
- A "Planner's Court" has the authority to overrule the City Council on an amendment. If more than 20% of the adjacent or impacted landowners protest, the amendment is referred to the quasi-judicial body. It is a potent power in the hands of concerned citizens.

## PROPOSED AMENDMENT OPTIONS

### Proposed Comprehensive Plan Amendment Guidelines

In developing their first comprehensive plan, Maricopa County has the opportunity to implement a balanced comprehensive plan amendment process that will be flexible enough for the development community while solid enough to maintain the shared public vision developed through its significant public planning effort. This final section of the report covers three main topic areas that should be considered when the comprehensive plan amendment process is adopted.

First, we examine the issue of plan amendments in the context of their size. Clearly, a 50 acre plan amendment should not be reviewed in the same manner as a 1,000 acre plan amendment. Likewise, a series of 39 acre rezonings should be reviewed in their entirety, not individually. The size of plan amendments should be a factor in the amendment process, and our discussion centers on the potential criteria to separate major plan amendments from minor ones.

Second, we have prepared a matrix of comprehensive plan amendment procedures. Developed from the peer review, the matrix is a summary of “how and when” an amendment works its way through the system. How and when procedures are important for several key reasons:

- Allowing adequate public involvement.
- Defining zone changes.
- Considering policy questions.
- Mitigating adverse impacts.

From the amendment procedure options gathered from the peer review, we have put together a short list of options that could improve the current process.

Lastly, we focus on the two main criteria identified for approval and disapproval of plan amendments. We summarize the key factors for amendment approvals and disapprovals from the peer review conducted for this report and from the literature. The three main areas—infrastructure, compatibility, and public participation—each have been described as critical to the amendment process success of peer cities and counties.

Overall, it is important that the comprehensive amendment plan policy be a workable, flexible approach that is conducive to partnering between the development community and the government. There is a delicate balance between regulations and private sector initiative, between the public good and personal property rights. The menu of policy options outlined in this report seek to achieve that balance.

## Major and Minor Amendments

Comprehensive plan amendments often differ in size and scope. Some amendments change the fundamentals of the comprehensive plan while others tinker with land uses at the margin. Instead of instituting a “one size fits all” approach to plan amendments, Maricopa County should consider a two tiered approach reflecting both minor and major general plan amendments. Minor plan amendments would be the smaller of the two, generally conforming to the broad plan goals and policies but differing from the plan in small ways. Overall, these amendments could be characterized as the “flexibility” element of the comprehensive plan; the plan can be responsive to private initiative through these amendments. Since these amendments are a large part of plan flexibility, most should be routinely reviewed administratively.

Major amendments are those that either fundamentally change major portions of the comprehensive plan or alter its goals and policies. These amendments usually do not involve minor changes to the plan, rather, one or more elements of the amendment are in direct conflict with the plan. These types of amendments are clearly legislative in nature and need to be approved in a structured process.

From the peer review, only the Metropolitan Council of the Twin Cities has a formal definition of major and minor plan amendments. Other jurisdictions either batch all amendments together regardless of size or use professional discretion to distinguish between the two. For Maricopa County, there would probably be a need for definitions of major and minor amendments. The Metropolitan Council definitions provide a base of criteria to start from:

- A minor amendment is defined as under a 40 acre plan change that is routine, minor, and incremental. They do not depart significantly from the existing plan’s goals and policies. Minor amendments result in changes to the future land use pattern where the impact is small and will result in minor changes to metropolitan public service demands.
- A major plan amendment is defined as a proposed 40+ acre land use change that would necessitate a complete revision, update, or rewrite of the existing comprehensive plan or one of its chapter elements. A major plan amendment is “presumed to have a potential impact on one or more metropolitan public service systems,” leaving the amendment sponsor to either prove that the amendment will not have a major impact or offer up mitigating circumstances. Major plan amendments also are assumed to have environmental impacts that require identification (in a Environmental Worksheet or Environmental Impact Statement) and mitigation.

For Maricopa County, these definitions could be adjusted to reflect the County’s larger size. For the Metropolitan Council, minor amendments can be reviewed and then placed in the more closely scrutinized category of major plan amendments.

This happens occasionally when what was considered minor plan amendments had a “significant impact” on the metropolitan service structure. Table 3, on page 16, highlights the process.

The major difference between the amendment process of minor and major plan amendments is that minor plan amendments are reviewed initially by the planning department for compliance in two areas: 1) metropolitan system impacts and 2) conflicting issues with the comprehensive plan. If there is a finding of significant metropolitan system impact, the amendment is referred to the major amendment process. If there is no significant metropolitan system impact but there are issues conflicting with the plan, the amendment goes into a 60 day review period where the issues are resolved. In contrast, major plan amendments are *presumed* to have metropolitan system impacts, and the review period begins with a discovery phase identifying these impacts.

During the peer review a large number of the jurisdictions batch together their amendments regardless of size. This approach has one advantage and disadvantage. The County could gain because when all amendments are batched together and reviewed together under one process, smaller amendments are discouraged. Theoretically, the County would be faced with fewer but larger amendments. The disadvantage in having the same process for both major and minor amendments is that it becomes harder for the plan to retain flexibility and responsiveness to the development community.

## Amendment Process Options

Whether there is one amendment process track or two, there are many process options that are available to the County. The timing, content, hearing schedule, public involvement, and approval process are important elements to consider in drawing up the comprehensive plan process. Different than rezoning cases, plan amendments are typically sponsored because a landowner can not develop their property in a way permitted by the comprehensive plan. Rather than adjust the development, some property owners seek to change the plan, to make it conform with an alternative future vision of land uses. For minor comprehensive plan amendments asking for small land use changes that conform with the goals and policies of the plan, the alternative land use pattern has the potential to fast-track through the approval process. For major plan amendments which do not agree with plan policies or goals, or which propose an alternative land use pattern that differs substantially from the original plan, the peer review found that jurisdictions typically require a higher level of public information and professional scrutiny.

We have broken down the menu of policy options into three distinct classifications, each one with an increasing amount of scrutiny. As the amendment procedures increase in scrutiny, the amount of public information, discussion, and time increases.

- Simple policy options attempt to place the minimum amount of regulation on the private citizen or company sponsoring a plan amendment. This policy approach seeks to maximize the development community's flexibility in the particular area and relies on private sector initiative to maintain livable communities. This approach is the fastest way for amendments to be approved, with the trade off being that important public issues might not be adequately identified, discussed, and mitigated.
- Moderate policy options place more governmental emphasis on the particular topic because of the concern over the public health, safety, or welfare. Using its planning power, the government seeks to moderately regulate these areas to maximize the public benefit for new development and communities. Examples include the government's concern for uncongested streets, adequate schools, open space, and maintaining community character. The moderate approach seeks to further identify the public issues raised by the amendment and discuss them in greater detail.
- Difficult policy options vests significant development controls in the government because of overriding concerns for the public health, safety, and welfare. For example, clean water, adequate sewerage, garbage disposal, and other public health and safety issues prompt the government to place a maximum amount of importance on these issues. On issues most important for the community at large, the difficult amendment procedures seek to discuss and mitigate any impacts found during the discovery phase.

Table 4 highlights the amendment process options that were discovered during the peer review, classified by the simple, moderate, and difficult levels of issue identification and mitigation. From the peer review we have broken down all the surveyed options into five basic categories.

The base amendment procedure is about timing: the review frequency, the time for County administrative review, and the number of comprehensive plan changes per year. At the time of this writing, Maricopa County uses a relatively easy, responsive system for reviewing plan amendments. The main advantage of a responsive plan amendment review process goes to the development community. The main disadvantage is that comprehensive plan changes are reviewed one small piece at a time. Even though a quarterly or yearly review system is not as responsive, it allows decision makers to see the magnitude of proposed plan changes all at once.

The burden of amendment sponsorship carries different responsibilities in different communities. Some cities, such as Scottsdale and Sedona, clearly place the burden of proof on the amendment sponsor.

TABLE 4  
AMENDMENT PROCEDURE OPTIONS

	Base Amendment Procedures			Burden of Proof	Citizen Involvement			
	Review Frequency	County Review Period	Max Changes per Year		Joint City/County Hearings	Petition	Adjacent Owners	Public Involvement
Difficult	Amendments batched and reviewed annually	Up to one year for major amendments	One	Applicant	Formal	General public signatures from community	51% must agree	Extensive
Moderate	Amendments batched and reviewed quarterly	Up to six months for major amendments	Four		Advisory only	Adjacent landowners only	25% must agree	Moderate
Simple	Amendments reviewed anytime	60-120 days	No limit	County	No	No	No	Light

	Amendment Details				Amendment Approval Process		
	Concurrent Zoning	Revenue Neutral Amendments	Service Impact	Amendment Fees	P&Z Commission Approval	Amendment BOS Approval	Comp. Plan Updates
Difficult	No	Yes	Public service impacts identified and mitigated	High	P&Z must approve before BOS can approve	Unanimous for major amendments	BOS updates plan at start of every term
Moderate	Yes, except for major amendments	Yes, except for major amendments	Public service impacts identified, not mitigated	Moderate	P&Z can advance major amendments only with super majority	Super majority	Every other year
Simple	Yes	No	No requirements	Low	No requirement	Majority	Annually

Notes: Shaded blocks denote current County practice.

In these cases it is the burden of the party sponsoring the amendment to prove that the comprehensive plan change constitutes an improvement to the plan. Moving the burden of proof to the amendment sponsors would eliminate the need for the County to prove that the amendment should be denied, an advantage to the County. The main disadvantage is that the level of effort is raised for amendment sponsors.

Citizen involvement covers topics used by the peer cities and counties reviewed in this report. From Albuquerque's joint city/county hearings on amendments to Georgetown's petitions, the range of public involvement is typically set by statute. Some jurisdictions allow planning departments to professionally set additional public involvement requirements if the amendment is far reaching. In California and although not part of this report, Local Agency Formation Commissions (LANCES) have the authority to hold public votes on annexations and other broad planning issues. In general, Maricopa County does more than its County counterparts because it follows the more rigorous comprehensive plan amendment statutes set for cities. The main advantage for broader public involvement is to generate discussion about the issues at stake among the general population. The main disadvantage is the time requirement to set up public involvement.

The amendment process has a number of important details such as fees, which can discourage plan amendments, and concurrent zoning, which is responsive to amendment sponsors but can marginalize the amendment procedure.



Maricopa County, following the amendment procedure of the Arizona city statutes, does not have written requirements for identifying impacts, either financial or environmental. Unlike other jurisdictions, there is no requirement for revenue-neutrality; that is, the plan amendment cannot result in the taxpayers picking up part of the development costs through the extension of public infrastructure. Although some of these requirements might not be appropriate for Arizona, they have been tested measures in other jurisdictions to reduce the public cost of growth.

Lastly, the amendment approval process involves the Board of Supervisors, the Planning and Zoning Commission, and the number of comprehensive plan updates conducted. For the Board and the Commission, a more difficult plan amendment procedure would raise the level of consensus needed to pass them. Instead of majorities on each panel, the level of approval could rise to a super majority or even unanimity. The advantage of raising the level of consensus in these decision making arms of government is straightforward: the amendment sponsors must endeavor to have a larger part of the community (and their decision maker) buy into their amendment. Lastly, comprehensive plan updates are closely tied to the plan review frequency. Plans reviewed annually historically have a higher probability of being amended than plans reviewed every other year. Conversely, if the Board of Supervisors decide to update the plan every four years at the start of their terms, then they have a unique opportunity to send a “development signal” to the community at large.

Overall, the advantages and disadvantages of these procedures feature the trade off between the public health, safety, and welfare and private property rights. Drawn from the communities interviewed for this report, the procedures adopted have ranged from moderate to difficult. The short list of amendment procedure options follows. It is likely that Maricopa County could adopt perhaps as many as three to five amendment options outlined in Table 4. We highlight two changes that could make the most difference in the current process. However, for each option adopted, the County should endeavor to streamline the process to make the transition period smooth.

1. First, minor and major amendments could be batched and separated into two different tracks. In exchange for batching amendments together, the County could set strict limits on the amount of review time needed for the amendment. The distinction between minor and major amendments could be in acres, infrastructure requirements, a finding of metropolitan system impact, housing units, or another measurable variable. Minor amendments could be batched and reviewed quarterly with set maximum 90 day review period. Major amendments could be batched and reviewed annually or semi-annually with a set maximum administrative review period of 120 to 180 days. The benefit of batching amendments (enabling decision makers to see the magnitude of change in a big picture rather than piece by piece) outweighs the disadvantages, especially when coupled with review time limitations.



2. Second, the burden of proof could rest on the amendment sponsor to show decision makers and the general public that their amendment improves the comprehensive plan. From several communities interviewed in this report, the shared public vision developed during the comprehensive planning process was developed over hundreds, if not thousands, of hours of public involvement. This option starts from the premise that the public has already developed a shared vision that is embodied in the plan; changing it requires that the sponsor show decision makers and the public why their changes improve the plan.

## Amendment Criteria

Finally, all jurisdictions interviewed during the course of this report have set criteria on which to evaluate comprehensive plan amendments. The range of criteria spans all elements of public services, financial, and environmental impacts. To some degree all amendment criteria attempt to accomplish two main goals. The amendment criteria seeks to identify the impact of the amendment through analysis and review. Once, the impact of the amendment is quantified, the amendment usually must take into account those impacts through mitigation. Once at this point, when the impacts have been identified and mitigation proposed, the jurisdiction then makes its determination. While each local community has its own unique elements, these are the two basic goals for amendment criteria.

The most common amendment criteria was the impact on public services, which is used by 70% of the jurisdictions. This amendment criteria takes two key pieces of information. First, one must understand and identify the existing infrastructure capacity at present. Second, one must allocate some portion of that capacity to the new land uses in the plan amendment. For instance, every home uses X% of the total water cleaned and supplied by the city. Usually, the water system has excess capacity that it uses during peak times and holds in reserve. Every possible new home embodied in an amendment will take X% capacity away from the system. That capacity can then be translated into direct financial costs:

- Transportation level of service
- Water supply
- Sewerage
- Landfill capacity
- Wastewater
- Air emissions
- Schools
- Parks
- Police/fire/emergency/protection

The second most common amendment criteria is financial impacts, with a full 70% of the jurisdictions interviewed in this report stating that they use the criteria to various degrees. The most asked question of amendments is “How is this change going to impact the bottom line?” or “How are public services going to be paid for and delivered to this new land use pattern?” Several jurisdictions, Seattle and Denver especially, specifically tie comprehensive plan amendments to the annual city budgeting process, which details what services are going to be delivered where. If an amendment creates a shortfall, then it must either be knowingly forgiven by the jurisdiction or mitigated. From the staff interviewed, this seems to be the key aspect of the financial question. First one has to know what the amendment will cost, and second one has to know who is picking up the bill. If a jurisdiction knows that it will be paying part of the development cost, will it be eager to approve many amendments? For instance, if a jurisdiction knows that roadways must be improved within five years to handle additional traffic from an amendment, would that knowledge impact the decision making process? From the peer review, when asked why the financial question is important, most answered that the financial question had a significant influence in the amendment process.

## ENDNOTES

1 Ernst Freund, *Some Inadequately Discussed Problems of the Law of the City Planning and Zoning*, 24 Illinois Law Review 135 (1929).

2 ASPO. *Amending the Zoning Ordinance*, 1958.

3 Committee for Neighborhood Preservation v. 49'er Country Club Estates, Inc. (1968).

4 §11-802, Page 342.

5 §11-806, Page 348.